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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,448	09/29/2000	Shawn D. Cartwright	CRTW-0004	3485

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EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,448

Applicant(s)

CARTWRIGHT, SHAWN D.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Status of Claims

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 October 2002 has been entered.
2. Claims 47-68 have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 47-54, 59 and 61 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 47 recites, "executing the transactions occurring when at least one of the predefined rules is circumvented". Therefore to one of ordinary skill, a transaction does not occur until the rule breaking mechanism is invoked. This is not supported by the Specification. Clarification is required. Claims 55 and 63 recite similar limitations. The Applicant also does not have support for the following:

- associating the number of executions to the identified computer game session (claim 51)
- bill amounts aggregated on a per game basis (claims 59, 61)

Claims 48-54, 56-62 and 64-68 are also rejected as they depend from claims 47, 55 and 63 respectively.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 47-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 recites "*executing the transactions occurring* when at least one of the predefined rules is circumvented". The phrasing is awkward hence the intended meaning is not clear.

Claims 48-54 are also rejected as they depend from claim 47.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 47-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al., 6,119,229 in view of happypuppy.com and Angles et al., U.S. Patent No. 6,385,592.

As per claims 47-68, Martinez et al. teach a computer transaction system for obtaining digital objects within a gaming environment over a communications network (column 3, lines 1-50; column 4, lines 32-64; column 8, lines 13-48; column 29, lines 29-60). Martinez et al. also teach:

- tracking, tallying and storing the executed transactions (column/line 15/42-16/17; column/line 16/47-18/9; column/line 20/20-21/11; column 21, lines 58-67)
- activating the digital objects (column 8, lines 30-40)
- obtaining objects while the game is being played (column/line 10/57-11/16)

- transaction related billing and communicating bill amounts to a cooperating computing environment (column/line 8/51-9/54; column 16, lines 12-16; column/line 19/22-20/20)
- offering digital objects to users (column 13, lines 29-36)
- billing on a per user basis (column 6, lines 38-67)
- displays account in real-time while game is being played (figure 5; column 11, lines 8-16)

Regarding associating the number of executed transactions to the identified game, Martinez et al. teach that every transaction is logged and that the log can be used to restore databases should data become corrupt or lost. Hence, it is at least obvious that transactions are identified with the game in order to properly associate users with their objects (column/line 10/13-11/57; column 20, lines 21-67). Martinez et al. also recite a plurality of billing models (column 19, lines 21-59). Therefore, it would have been obvious to one of ordinary skill to manage accounts on a per-transaction or per-user basis. However, Martinez et al. not explicitly recite obtaining objects for circumventing at least one pre-defined rule. Happy Puppy Cheats is a website that allows users to obtain computer game cheat codes while, Angles et al. teach a method and system for integrating user specific advertisements (e.g. offers) into a gaming environment (abstract; column/line 2/62-4/19; column/line 21/45-22/20). Angles also teaches a plurality

of billing and payment models (column 16, lines 10-57). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Martinez et al., Happy Puppy Cheats and Angles et al. in order to deliver customized advertising and allow users to make purchases in response to said advertisement in an interactive environment such as interactive games ('592, column 2, lines 48-62; column 4, lines 8-18; column 22, lines 6-20).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Reimer et al. teach a system for allowing users to interact with movies in order to obtain information or make purchases
- Brush et al. disclose avatars
- Rekimoto et al. disclose user avatars in a virtual mall or world

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

December 18, 2002

JOHN W. HAYES
John W. Hayes
PRIMARY EXAMINER